

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN VICKERS and
BARBARA VICKERS,

Defendants.

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8:06CR164

ORDER

This matter is before the court on the motion to continue by defendant Barbara Vickers (Vickers) (Filing No. 32). Vickers seeks a continuance of the trial of this matter until the end of January 2007. Vickers's counsel represents that the co-defendant and counsel for the government and have no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Vickers's motion to continue trial (Filing No. 32) is granted.
2. Trial of this matter is re-scheduled for **January 29, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 27, 2006 and January 29, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 27th day of November, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge